



GOVERNMENT OF INDIA

Chandigarh Administration Gazette

Published by Authority

NO. 141] CHANDIGARH, THURSDAY, NOVEMBER 30, 2023 (AGRAHAYANA 09, 1945 SAKA)

CHANDIGARH ADMINISTRATION
LABOUR DEPARTMENT

Notification

The 18th October 2023

No. 13/1/9381-HII(2)-2023/15433.—In exercise of the Powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL) dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. **30/2017 dated 03.08.2023** delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT Chandigarh between :

THE PRESIDENT/GENERAL SECRETARY, HARYANA ROADWAYS WORKERS UNION, INTAK, REG NO. 1, CHANDIGARH, C/O SH. D.R KAITH, CHAMBER NO.104, DISTRICT COURT SECTOR 43, U.T. CHANDIGARH (Workers Union)

AND

1. THE GENERAL MANAGER HARYANA ROADWAYS CHANDIGARH.
2. THE GENERAL MANAGER HARYANA ROADWAYS, PANCHKULA DEPOT (IMPLEADED VIDE ORDER DATED 08.04.2022) (Management)

AWARD

1. Vide Endorsement No.13/1/9381-HII(2)-2017/6635 Dated 20.07.2017 the Secretary Labour, Chandigarh Administration has referred the dispute to this Court / Tribunal on the demand notice dated 22.01.2014 in respect of Dalbir Singh - Conductor No.232, Haryana Roadways, Chandigarh (*hereinafter in short referred "workman"*) raised by the President / General Secretary, Haryana Roadways Workers Union, Chandigarh (*hereinafter in short referred "workers' union"*) upon the General Manager, Haryana Roadways, Chandigarh (*hereinafter in short referred "management"*) under Section 2(k) of the Industrial Disputes Act, 1947 (*hereinafter in short referred "ID Act"*) in following words :—

"Whether the demand raised in the demand notice dated 22.01.2014 by President/ General Secretary, Haryana Roadways Workers Union, INTAK, Reg. No.1, Chandigarh, C/o Shri D.R. Kaaith, Chamber No. 104, District Court, Sector 43, Union Territory, Chandigarh And The General Manager, Haryana Roadways, Chandigarh, are genuine and justified. If so, to what effect and to what relief the Union/Workers are entitled to, if any ?"

(1983)

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2. Upon notice, the workers' union appeared through its representative Shri Amit Kaith, who filed joint authority letter of the workers' union in favour of himself, Shri D. R. Kaith, Shri Vishal Gupta and Shri Ankit Gupta. Later on, on 10.10.2017 Shri D. R. Kaith - Learned Representative for the workers' union made the statement that the demand notice dated 20.01.2014 may be treated as statement of claim. Accordingly, vide order dated 10.10.2017, the demand notice dated 22.01.2014 was ordered to be treated as statement of claim. In the demand notice-cum-claim statement that the workers' union submitted that the workman, Dalbir Singh, was illegally charge-sheeted as per charge sheet dated 20.09.2002 on the allegation that on 17.09.2002, when his bus was checked, it was found that he had kept used tickets worth ₹ 388/- in his pocket and he had intention to re-sale the same. Apart from charge sheet, FIR was also lodged against the workman. Thereafter, regular inquiry was ordered. The Inquiry Officer had not conducted the inquiry in fair & proper manner and held the workman guilty, in spite of the fact that no evidence has come on record against the workman. Punishing authority on the basis of defective inquiry and without appreciating the defence of workman passed a punishment order dated 21.04.2003 / 25.04.2003 whereby workman was brought to time scale for 3 years and it was further ordered that the workman shall not be paid anything except subsistence allowance for the period of suspension. In the criminal case, the workman was acquitted by Ms. Madhu Khanna - JMIC, Panchkula vide judgment dated 01.10.2009. After acquittal workman made a representation dated 23.07.2010 for recalling order of punishment dated 21.04.2003 / 25.04.2003 but the representation has been wrongly rejected vide order dated 27.09.2013. The order of punishment dated 21.04.2003 / 25.04.2003 and rejection of representation re-calling dated 27.09.2013 are illegal, unjust, against rules and law of natural justice, therefore, the same deserves to be declared illegal amongst others on the following grounds :—

- a) The entire proceedings are totally misconceived. The allegations are totally imaginary and workman has not committed any misconduct or fraud. It is specifically denied that the workman was having used tickets in his pocket.
- b) The checking staff has no power to make the personal search of the Conductor. The checking staff has only the power to check the passengers and ticket box of the Conductor but they cannot search the pockets of the Conductor. At the time of checking everything was found in order, therefore, proceedings were totally illegal. The workman has been falsely implicated in the case.
- c) The Inquiry Officer has not conducted the inquiry in a fair & proper manner. The workman was not afforded the assistance of co-worker. The workman was not given proper opportunity to cross-examine the witnesses and to lead defence.
- d) No Presenting Officer was appointed to conduct the inquiry proceedings on behalf of the department. The Inquiry Officer acted as a judge as well as prosecutor, which is against the rules and law of natural justice.
- e) The order of punishment is non-speaking in nature, therefore, order is in violation of law of natural justice. No reasoning has been given in support of conclusion as well as rejection of defence of workman.
- f) The order dated 27.09.2013 is illegal because once workman has been acquitted in criminal case under same facts & circumstances and on the same evidence, the order of punishment was to be recalled after the acquittal of the workman in criminal case.

The workman made various representations to the General Manager, Haryana Roadways, Chandigarh to withdraw the illegal order but he failed to withdraw the same. Hence, the demand notice. Prayer is made that illegal order of punishment dated 21.04.2003 / 25.04.2003 may be withdrawn and all the monetary benefits withheld by way of illegal order may be released along with interest @ 12% per annum to the workman.

3. Vide order dated 08.04.2022 passed by the Learned Predecessor Ms. Anshul Berry - Presiding Officer, Industrial Tribunal & Labour Court, U.T. Chandigarh; the application under Order 1 Rule X

r/w Section 151 CPC moved by the management for striking out the name of General Manager, Haryana Roadways, Chandigarh and adding General Manager, Haryana Roadways, Panchkula Depot was allowed.

4. On notice, the management i.e. General Manager, Haryana Roadways, Panchkula contested the demand notice-cum-claim statement by filing written statement on 06.09.2022 wherein preliminary submissions are made to the effect that the workman was working as Conductor with Haryana Roadways, Chandigarh. On 17.09.2002, the workman was on duty on bus No.HR-68-0647 on Kalka to Chandigarh route. Under the instructions / supervision of Joint State Transport Controller, Haryana the bus was checked by the checking staff namely Shri Bahadur Singh - Inspector, Shri Surender Kumar - Inspector, Shri Gurdeep Singh - Inspector, Shri Sahib Singh - Inspector, near Pinjore Garden while going from Chandigarh to Kalka. During the process of checking of bus, earlier sold tickets of ₹ 388/- were found in the pocket of workman; which he has taken from the passengers, who had completed the journey; details of tickets are as below :—

<u>No. of Tickets</u>	<u>Amount</u>
996338 to 39	₹ 9/-
996368 to 75	₹ 9/-
996394 to 97	₹ 9/-
996400	₹ 9/-
996701 to 07	₹ 9/-
996716 to 21	₹ 9/-
462048	₹ 8/-
462095 to 100	₹ 8/-
464101 to 02	₹ 8/-
464123 to 30	₹ 8/-

On receipt of earlier sold tickets of ₹388/- from the workman, the Inspecting Staff sent the report to the office vide letter No.1927/TI-1 dated 19.09.2002. On receipt of report, the workman was suspended vide order dated Memo No.2234/ECC dated 19.09.2002. Charge-sheet was issued to the workman under Rule 7 vide Memo No.21567/ECC dated 20.09.2002. The detail of charges is that;

"On 17.09.2022, while performing the duty on bus No.HR-68-0647, on Kalka-Chandigarh-Kalka route, the earlier sold tickets of ₹ 388/- were found from the pocket of workman, collected by him from the passengers, by doing so the workman trying to cause financial loss to the department / Government, after selling the same again, has committed irregularities in his duty."

As per the direction of Transport Head Quarter, FIR No.184 dated 19.09.2002 PS Pinjore, District Panchkula under Sections 409/420 IPC was registered against the workman. No reply to charge-sheet was submitted by the workman in the office. Therefore, vide office Memo No.2653/ECC dated 30.10.2002, the then Works Manager Shri R. P. Pathak was appointed as Inquiry Officer to enquire the charges levelled against the workman and Shri Shiv Kumar was appointed as Presenting Officer. The Inquiry Officer submitted his final report vide which the charges have been found to be proved. Agreeing the inquiry report, a show cause notice was issued to the workman that, why not dismiss from service by restricting up to subsistence allowance. Reply to the show cause notice was submitted by the workman, which was not found to be based on facts. Before taking any decision, an opportunity of personal hearing was granted to the workman vide office Memo No.8337/ECC dated 03.04.2003. The workman appeared personally on 21.04.2003 for personal hearing and heard by the authority. During the personal hearing, the workman failed to produce any evidence on the basis of which he should be acquitted. The workman only apologised and assured not to commit such type of mistake in future. Taking into consideration the apology and assurance, instead of confirming the punishment

proposed in the notice, it was ordered to bring him at the minimum pay scale for three years and suspension period was restricted to subsistence allowance only, which is completely valid and based on facts. Besides the present reference No.30/2017 was filed by the workman in the year 2017 which was adjourned sine die vide order dated 01.11.2017.

5. Further on merits, it is stated that earlier sold tickets of ₹ 388/- have been recovered from the pocket of the workman by the Inspecting Staff. Collection of earlier sold tickets from the passengers is an offence and against the departmental rules. FIR has been registered in this regard against the workman. Inquiry Officer has conducted the inquiry as per rules, in a fair & proper manner. Sufficient opportunities have been granted to the workman to lead his defence evidence. The punishment order dated 21.04.2013 / 25.04.2013 passed by the competent authority is genuine, based on facts findings and according to rules and regulations. Despite sufficient opportunities, the workman has failed to adduce any cogent evidence in his favour. During personal hearing the workman also apologised and assured not to commit such act in future. Therefore, by taking a lenient view, instead of proposed punishment, workman was brought to time scale for three years and his suspension period was restricted up to substance allowance. It is a matter of record that the workman was acquitted by Ms. Madhu Khanna, Learned JMIC, Panchkula vide judgment dated 01.10.2009. However, the workman was acquitted by the Learned Court by giving him the benefit of doubt. It is denied as wrong that representation of the workman was wrongly rejected vide order dated 27.09.2013. It is denied as wrong that the checking staff has no power to make the personal search of the Conductor. It is further denied as wrong that the Inquiry Officer has not conducted the inquiry in a fair & proper manner. Shri Shiv Kumar was appointed as Presenting Officer and Shri R. P. Pathak - Works Manager was appointed as Inquiry Officer. It is denied as wrong that the workman was not afforded the assistance co-worker. It is also denied as wrong that the workman was not given proper opportunity to cross-examine the witness and to lead the defence. Personal hearing was afforded to the workman. The Inquiry Officer has not violated the principle of natural justice. No in-justice has been done with the workman. Punishing authority has passed a detailed reasoned order. Since the inquiry was conducted in a fair & proper manner and every opportunity has been granted to the workman to lead his defence evidence, thus, the question does not arise to withdraw the orders passed in accordance with law. Rest of the contents of demand notice-cum-claim statement are denied as wrong and prayer is made that demand notice may be dismissed with cost.

6. Replication not filed. From the pleadings of the parties, following issues were framed vide order dated 12.10.2022 :—

1. Whether the demand raised in the demand notice dated 22.01.2014 by the President / General Secretary, Haryana Roadways Workers' Union are genuine and justified ? If so, to what effect and to what relief the workers' union / workman is entitled to if any ? OPW
2. Relief.

7. In evidence workers' union examined AW1 Dalbir Singh (workman), who tendered his affidavit Exhibit 'AW1/A' along with documents Exhibit 'W1' to 'W5'.

Exhibit 'W1' is copy of punishment order dated 21.04.2003 passed by General Manager, Haryana Roadways, Chandigarh against Dalbir Singh.

Exhibit 'W2' is certified copy of judgment dated 01.10.2009 passed by Ms. Madhu Khanna, JMIC, Panchkula.

Exhibit 'W3' is copy of order dated 27.09.2013 passed by General Manager, Haryana Roadways, Chandigarh whereby the claim of the workman for restoration of Minimum Scale was rejected.

Exhibit 'W4' is copy of grounds of appeal dated Nil whereby appeal was filed, as per the direction of this Court against the order of punishment order dated 21.04.2003.

Exhibit 'W5' is copy of order dated 11.03.2020 passed Additional Director, State Transport, Haryana on the appeal of workman Dalbir Singh.

On 29.03.2023 workman Dalbir Singh closed his evidence in affirmative. His statement was countersigned by the Learned Representative for the workers' union.

8. On the other hand, management examined MW1 Vikas Mehra - Clerk, Office of General Manager, Haryana Roadways, Panchkula, who tendered his affidavit Exhibit 'MW1/A' along with documents Exhibit 'M1' to 'M10'.

Exhibit 'M1' is copy of report dated 19.09.2002.

Exhibit 'M2' is copy of tickets.

Exhibit 'M3' is copy of suspension order dated 19.09.2002.

Exhibit 'M4' is copy of charge-sheet dated 20.09.2002.

Exhibit 'M5' is copy of FIR dated 19.09.2002 registered at P.S. Pinjore, District Panchkula.

Exhibit 'M6' is copy of order dated 30.10.2002 regarding appointment of inquiry officer.

Exhibit 'M6/A' is copy of show cause notice dated 21.03.2003.

Exhibit 'M7' is copy of reply dated Nil to show cause notice by the workman.

Exhibit 'M8' is copy of letter dated 03.04.2003.

Exhibit 'M9' is punishment order dated 25.04.2003.

Exhibit 'M10' is copy of order dated 11.03.2020 of Appellate Authority.

9. It is pertinent to mention here that on 09.01.2023 Shri Anup Singh - Clerk, Office of Haryana Roadways, Panchkula Depot tendered on record the complete inquiry file (consisting of page 1 to 158) of the workman. On 03.08.2023 Learned Government Pleader for the management closed evidence.

10. I have heard arguments of Learned Representative for the workers' union and Learned Government Pleader for the management and perused the judicial file. My issue-wise findings are as below :-

Issue No. 1 :

11. Onus to prove this issue is on the workman (workers' union).

12. Under this issue workers' union examined AW1 Dalbir Singh (workman), who vide his affidavit Exhibit 'AW1/A' deposed the averments of demand notice-cum-claim statement in toto, which are not reproduced here for the sake of brevity. AW1 supported his oral version with documents Exhibit 'W1' to Exhibit 'W5'.

13. On the other hand, management examined MW1 Vikas Mehra - Clerk, Office of General Manager, Haryana Roadways, Panchkula, who vide his affidavit Exhibit 'MW1/A' deposed that he is working as a Assistant in Haryana Roadways, Panchkula and is duly authorised and well conversant with the facts of the case. In his remaining testimony MW1 deposed the entire contents of the written statement, which are not reproduced here to avoid repetition. MW1 supported his oral version with documents Exhibit 'M1' to 'M10'.

14. From the oral as well as documentary evidence led by the parties, it comes out that there is no dispute between the parties with regard to the facts that Dalbir Singh - Conductor No.232 was working as Conductor with Haryana Roadways, Chandigarh. Further, un-disputedly on 17.09.2002 the workman was on duty on bus No. HR-68-0647 on Kalka-Chandigarh-Kalka route. It is undeniable fact that on 17.09.2002 while going from Chandigarh to Kalka, the checking staff Shri Bahadur Singh - Inspector, Shri Surender Kumar - Inspector, Shri Gurdeep Singh - Inspector, Shri Sahib Singh - Inspector, checked the bus No.HR-68-0647 near Pinjore Garden. The management has alleged that during checking earlier sold tickets of ₹ 368/-were found from the possession of the workman which he had collected from the passengers, who had already completed the journey. On the other hand, the workman has taken the plea that at the time of checking everything was found in order. Neither the checking staff has the power to conduct personal search of workman nor recovery of any alleged previously sold tickets was affected from the possession of the workman. The entire proceedings of alleged checking are illegal and the workman has been falsely implicated in the case.

15. There is no dispute between the parties with regards to the facts that when recovery of alleged previously sold tickets of ₹ 388/- was affected on search of pocket of the workman, then the Inspecting Staff sent a report to this effect along with forwarding letter No.1927/TI-1 dated 19.09.2002 / Exhibit 'M1' to the office of General Manager, Haryana Roadways, Chandigarh accompanied with recovered previously sold tickets of value total amounting to ₹ 388/- / Exhibit 'M2'. On the basis of the said report of checking staff, the workman was suspended vide order dated 19.09.2002 / Exhibit 'M3' with immediate effect with directions that he will draw his subsistence allowance as per Rule 7.2 of C.R.S. Volume - I Part - I and his headquarter was fixed at Chandigarh. Simultaneously on the basis of these allegations FIR No.184 dated 19.09.2002 under Sections 409 / 420 IPC was registered at PS Pinjore, District Panchkula against the workman vide Exhibit 'M5'. Thereafter, the workman was charge-sheeted vide Memo No.21567/ECC dated 20.09.2002. Shri R. P. Pathak was appointed as Inquiry Officer. On the basis of inquiry report dated 30.10.2002, a show cause notice was issued to the workman as to why he should not be dismissed from service by restricting up to subsistence allowance. The workman filed reply to the show cause notice. Opportunity of personal hearing was granted to the workman vide office Memo No.833/ECC dated 03.04.2003 and thereafter on the basis of report of the Inquiry Officer and on personal hearing of the workman, punishment order dated 21.04.2003 / 25.04.2003 / Exhibit 'W1' was passed whereby the punishing authority General Manager, Haryana Roadways, Chandigarh brought the workman to time scale for three years with further order that the workman shall not be paid anything except suspension allowance for the period of suspension.

16. Learned Representative for the workers' union argued that the workman has been falsely implicated in the disciplinary proceedings as well as in the criminal trial of FIR No.184/2002. It is further argued by Learned Representative for the workers' union that the inquiry proceedings were conducted in sheer violation to the principles of natural justice and law. The Inquiry Officer has not conducted the inquiry as per rules in a fair & proper manner. The workman was neither afforded the assistance of co-worker nor given proper opportunity to cross-examine the witnesses and to lead defence evidence. Moreover, no Presenting Officer was appointed to conduct the inquiry proceedings on behalf of the department. Above all the punishment order dated 21.04.2003 / 25.04.2003 Exhibit 'W1' is non-speaking. In the trial of FIR No.184/2002 the workman was acquitted by the trial Court vide judgment dated 01.10.2009 / Exhibit 'W2'. The representation against the punishment order Exhibit 'W1' has been wrongly rejected vide order dated 27.09.2013 / Exhibit 'W3'. The appeal against the punishment order dated 21.04.2003 has been wrongly declined vide order dated 11.03.2020 / Exhibit 'W5' by the Additional Director, State Transport, Haryana. The defence of the workman was not considered. On the other hand, Learned Government Pleader for the management argued that the then Works Manager Shri R. P. Pathak was appointed as Inquiry Officer and Shri Shiv Kumar was appointed as Presenting Officer. The workman had filed reply to the show cause notice. The Inquiry Officer conducted the inquiry as per rules in a fair & proper manner. Sufficient opportunities were granted to the workman to lead defence evidence. Before passing the punishment order, personal hearing was given to the workman on 21.04.2003. The punishment order is well reasoned speaking order, which is just & legal order as per the rules and principles of natural justice. Vide judgment Exhibit 'W2' the trial Court has acquitted the workman by giving him the benefit of duty. Therefore, the acquittal of the workman in the criminal trial is no ground to set aside the

punishment order dated 21.04.2003 / 25.04.2003 / Exhibit 'W1'. To my opinion, as far as following of procedure to conduct the departmental inquiry against the workman is concerned, the departmental proceedings were initiated as well as the FIR was registered against the workman on the allegations that on 17.09.2002, on checking of the bus No.HR-68-0647 at about 8:15 P.M. at Pinjore, inspecting staff conducted search of the pocket of the workman and they found old tickets of denomination of ₹ 8/- and ₹ 9/- total amounting to ₹ 388/- from the pocket of the workman, which he has sold on earlier trip on that day and the workman had intention to sell the same again, thereby to cause financial loss to the department. The alleged report of checking staff was forwarded vide letter No.1927 dated 19.09.2002 vide Exhibit 'M1' to General Manager, Haryana Roadways, Chandigarh. Exhibit 'M1' bears the endorsement dated 19.09.2002 that the report has been received without way bill. In this manner, the report was not accompanied with the way bill to show that alleged tickets allegedly recovered from the pocket of the workman were issued to him for that day or sold by him during the earlier trip of that day as alleged in the report. The plea taken by the workman that the management has also not produced the way bill in the departmental inquiry proceedings, although record of the same is maintained in the department stand proved from cross-examination of MW1 wherein he has admitted as correct that no way bill was produced during the departmental inquiry to show that these tickets were issued to the workman. MW1 further stated that each ticket has serial number and record is maintained regarding issuance of particular number of tickets to the Conductors. Furthermore, the plea taken by the workman that in the departmental inquiry proceedings no Presenting Officer was appointed and the Inquiry Officer himself acted as Presenting Officer also stand proved from cross-examination of MW1 wherein he has admitted as correct that no Presenting Officer was appointed to conduct the departmental inquiry of the workman. MW1 admitted as correct that the Inquiry Officer acted as Presenting Officer. MW1 stated that he has no knowledge if under Rule 7(5) of the Haryana Civil Services (P&A) Rules, 1987, it is mandatory to appoint Presenting Officer for conducting departmental inquiry.

17. It is admitted fact of the parties that the same allegations levelled against the workman in the charge sheet issued in the disciplinary proceedings and in the FIR No.184/2002 forming basis of the criminal trial held by the Court of Learned JMIC, Panchkula. In the departmental proceedings the workman was held guilty whereas in the conclusion of trial of FIR No.184/2002, the workman was acquitted of the charges. It is to be seen as to what is the impact of judgment of acquittal on the punishment order dated 21.04.2003 / 25.04.2003 / Exhibit 'W1'. In this regard, the Hon'ble High Court of Punjab & Haryana in judgment referred by Learned Representative for the workers' union reported in **2012(3) SCT 579** titled as **Punjab State through its Collector & Another Versus Ex-Constable Gulzar Singh** held that on acquittal on the criminal side, the findings of the departmental proceedings on the same set of charges cannot be allowed to stand.

18. Hon'ble High Court of Punjab & Haryana in another judgment referred by Learned Representative for the workers' union reported in **2017(2) SCT 479** titled as **Vijay Pal & Others Versus State of Haryana & Others**, held that where the departmental and criminal proceedings are on the same charges and same evidence, after acquittal in the criminal proceedings on merits, departmental proceedings cannot over-write the findings of criminal Court. If the charge and evidence in both the proceedings is the same, Inquiry Officer cannot overwrite the depositions already recorded by the Court. Findings of disciplinary authority to the contrary would be unjust, unfair and oppressive and order of dismissal from service would not be sustainable.

19. Hon'ble High Court of Punjab & Haryana in another judgment referred by Learned Representative for the workers' union reported in **2012(4) SCT 103** titled as **Ex-Constable Baljinder Singh Versus State of Punjab & Others** held that acquittal of petitioner was not recorded on any technical ground but the court observed that there was no evidence to connect him with the crime, as such it cannot be said that the petitioner was acquitted on technical grounds, while extending benefit of doubt. The benefit of doubt could be extended in the cases, where there had been some grounds / evidence which could not be believed by the Court but in the case of the petitioner, the Court did not find any evidence or other material to hold him guilty. It cannot be said that he was acquitted while giving benefit of doubt.

20. In the present case in the judgment Exhibit 'W2' the trial Court in para 10 of its judgment observed as below :—

"10. No independent witness was joined at the time of the alleged recovery of old tickets, though, several independent persons were available in the bus. Further more, there is nothing on record to show that the accused had made any attempt to sell old tickets for which he was not authorized. Inspector Gurdeep Singh examined as PW7 has merely given an opinion that the accused was in possession of the old tickets which he "intended" to resell. The witness has not elaborated as to how he believed that the accused intended to sell old tickets. It is a settled legal position that no person can be held guilty on the basis of mere apprehension till some overt act is committed. In the case on hand as well, no such act of the accused has been pointed out in evidence which would be punishable."

In the concluding para 12 of judgment Exhibit 'W2' the trial Court held as below :—

"12. In view of the discussion herein before, prosecution has miserably failed to prove the guilt of the accused beyond reasonable shadow of doubts. Resultantly, accused is acquitted of the charges levelled against him. His bail bond and surety bond stand discharged. File be consigned to record room."

21. To the facts & circumstances of the present case the judgments cited supra report in **2012(3) SCT 579, 2017(2) SCT 479** and **2012(4) SCT 103** are applicable to an extent.

22. Furthermore, if all the allegations levelled in the charge sheet of the workman are taken as correct then also it is only assumption of the checking staff of management that the workman would re-use or re-sell the tickets already sold to the passengers. It is neither an allegation nor there is any evidence to the effect that the workman has sold any old ticket to any of the passengers travelling in the bus. It is admitted fact of the management that it was the last trip of the workman from Chandigarh to Kalka and the bus was checked at Pinjore. It is also admitted fact of the management that the fare to Pinjore to Kalka is only ₹ 2/-. In this regard MW1 in his cross-examination admitted as correct that the old tickets allegedly recovered from the pocket of the workman were of ₹ 8/- and ₹ 9/-. MW1 admitted as correct that no passenger was found travelling without tickets during the course of checking. MW1 admitted as correct that this was the last round of the duties of the workman. MW1 admitted as correct that the bus was checked at Pinjore Garden and it was going from Pinjore to Kalka. MW1 admitted as correct that the fare from Pinjore to Kalka was ₹2/- at that time. MW1 further stated that he does not know how the Inspector assumed that the workman may sell the tickets in question when the fare of the last round of duty was ₹ 2/- only per passenger. From the aforesaid version of MW1, the management has failed to prove, where the workman was to issue those old tickets of denomination of ₹ 8/- and ₹ 9/- when the fare of the last round of the bus on that day was ₹2/- from Pinjore to Kalka. As per the case law referred by Learned Representative for the workers union reported in **1990(7) SLR 137** titled as **Chandrakant Damodar Soparkar Versus State of Maharashtra & Others (Bombay)**, it is held that when an act is in the realm of preparation, the person so acting has time to retrace his steps. If the act is not furthered but remains in the realm of preparation, it does not constitute an offence or an attempt to commit an offence. The petitioner was not therefore, guilty of breach of discipline or misconduct or any act rendering him unfit for the discharge of his duties. The findings of delinquency vis-à-vis charge No.4 together with punishment imposed cannot be sustained. In another case law referred by Learned Representative for the workers' union reported in **2003(2) SCT 888 (P&H)** titled as **Satnam Singh Versus Presiding Officer, Labour Court, Amritsar**, the Conductor was still in the process of issuing tickets and no passenger got down from the bus where the bus was checked. Cash with the Conductor was not checked. If the cash with the Conductor was checked, it would have been quite clear whether the Conductor was telling lie or the passengers were telling lie. Hon'ble High Court held that findings of the Inquiry Officer that fraud is not proved but if the bus had not been checked, he would have taken the money, cannot be suggestive of the fact that he had committed any mis-representation. On such an inchoate finding, livelihood of the petitioner should not have been snatched. The aforesaid case laws referred by Learned Representative for the workers' union are applicable to the facts of present case to an extent. As already discussed above, the allegation against the

workman is on the basis of assumption that he would sell the old tickets to the passengers and by doing so he would cause financial loss to the department. At the most it could be inferred that the workman was in the process of doing the wrong act of selling the old tickets but neither he sold the old tickets nor any passenger travelling in the bus was found without tickets. Therefore, it is a case of preparation to commit an offence but in pursuance of that preparation neither the commission of the offence was attempted nor the offence was committed. Thus, the workman is not proved to have committed any offence. The workman has been wrongly punished on the basis of inquiry report in departmental inquiry proceedings. Consequently, punishment order dated 21.04.2003 / 25.04.2003 is hereby set aside.

23. As far as limitation is concerned, after the judgment of acquittal which was passed on 01.10.2009 by the trial Court the workman moved representation dated 23.07.2010 for recalling the punishment order dated 21.04.2003 / 25.04.2003, which was rejected vide order dated 27.09.2013. The workers' union raised demand notice on 22.01.2014. In the conciliation proceedings the Assistant Labour Commissioner-cum-Conciliation Officer, U.T. Chandigarh was requested to intervene in the matter but the conciliation proceedings failed and the matter was referred for adjudication to this Court. The industrial dispute reference was received in this Court on 02.08.2017. During the pendency of the industrial dispute reference before this Court, in view of the findings of the Hon'ble High Court of Punjab & Haryana that availing remedy of departmental appeal is mandatory, the workman filed an appeal against the punishment order dated 21.04.2003 / 25.04.2003 and order dated 27.09.2010 before the appellate authority which was dismissed vide order dated 19.03.2020 i.e. Exhibit 'W5'. Thus, cause of action arose to the workman when his representation was declined on 27.09.2013 and thereafter on 22.01.2014 when the demand notice was raised. The demand notice dated 22.01.2014 was raised well within the limitation period from 27.09.2013 when the representation was declined. The demand notice dated 22.01.2014 has formed the basis of the present industrial dispute reference, which was received on 02.08.2017.

24. In the light of discussion made above, the demand raised in the demand notice dated 22.01.2014 by the workers' union is genuine & justified and punishment order dated 21.04.2003 / 25.04.2003 passed against the workman is hereby set aside. Consequently, the workman is held entitled to re-fixation of pay, payment of arrears thereto and other consequential benefits.

25. Accordingly, this issue is decided in favour of the workers' union and against the management.

Relief :

26. In the view of foregoing finding on the issue above, this industrial dispute reference is allowed and answered in favour of the workers' union to the effect that punishment order dated 21.04.2003 / 25.04.2003 passed against workman Dalbir Singh - Conductor No.232 is set aside and the workman is entitled to re-fixation of pay, payment of arrears thereto and other consequential benefits. The management is directed to comply with the award within three months from the date of publication of the same in Government Gazette failing which the management is liable to pay interest at the rate 8% per annum on the amount of consequential benefits from the date of this award till the date of actual realisation. Appropriate Government be informed. Copy of this award be also sent to Learned District Judge, Chandigarh in view of Sub-section 10 of Section 11 of the Industrial Disputes (Amendment) Act, 2010 for onward transmission of the same to concerned Civil Court. File be consigned to the record room.

(Sd.) . . . ,

Dated : 03.08.2023.

(JAGDEEP KAUR VIRK)
PRESIDING OFFICER,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No. PB0152.

CHANDIGARH ADMINISTRATION
LABOUR DEPARTMENT

Notification

The 25th October 2023

No. 13/2/33-HII(2)-2023/15733.—In exercise of the Powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL) dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. **10/2021 dated 03.08.2023** delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT Chandigarh between :

RATTAN CHAND S/O SH. MAST RAM, H.NO.131, VILLAGE NADA, NAYA GAON,
DISTRICT MOHALI (Workman)

AND

THE CHANDIGARH COOPERATIVE KITCHEN GARDENING SOCIETY LIMITED,
OPP. BAL BHAVAN, SECTOR 23-A, CHANDIGARH THROUGH ITS GENERAL
SECRETARY (Management)

AWARD

1. Rattan Chand, workman has presented industrial dispute under Section 2-A(2) of the Industrial Disputes Act, 1947 (*here-in-after in short called 'ID Act'*).

2. Briefly stated the averments of claim statement are that on 18.10.1990 workman was appointed as Sprayer Incharge by the management. The workman remained in the continuous and interrupted employment up to 14.11.2017 when his services were illegally and wrong fully terminated by refusing of work. The workman was drawing ₹ 8,000/- per month as wages at the time of termination. On 15.11.2017, as usual, the workman went to attend his normal duties but he was refused work without assigning any reason and notice. Since then the workman has been regularly visiting the management but the work was refused to him on one pretext or the other. The refusal of work which amounts to termination is retrenchment under Section 2(oo) of the ID Act. The management has also violated Section 25-F of the ID Act. No charge sheet was issued. No inquiry was held. The workman was not paid retrenchment compensation at the time of termination. Violation of the same makes the termination void. For his reinstatement workman served upon the management a demand notice dated 11.09.2020. The management neither replied the demand notice nor took the workman back on duty. The Assistant Labour Commissioner-cum-Conciliation Officer, U.T. Chandigarh was requested for his intervention. The management refused to take the workman back on duty before the Conciliation Officer, U.T. Chandigarh. The termination is illegal, wrongful, motivated, against the principles of natural justice and unfair labour practice. Prayer is made that the workman may be reinstated with full back wages along with continuity of service, without any change in service condition and all attendant benefits. The workman remained unemployed during the period i.e. from the date of termination to till date.

3. On notice, the management contested the claim statement by filing written statement on 05.08.2021 wherein preliminary objection are raised on the ground that management denies each and every statement / submission and contention set forth in the statement of claim to the extent that the same are contrary to and / or in consistent with the true and complete facts of the case and / or submission made on behalf of the management in the present written statement. Nothing in the written statement be deemed to have been admitted by the management save and accept what is expressly and specifically admitted and the contents of the written statement unless admitted specifically by the management may be read as travesty of fact. The

workman has not approached this Court with clean hands and has suppressed the material facts in his statement of claim. There is no relationship of workman with the management. The workman has not attached any appointment letter in the claim statement. The statement of claim is grossly misconceived and misdirected for which it should be dismissed. The statement of claim is highly time barred and hence, liable to be dismissed. The Chandigarh Co-operative Kitchen Gardening Society, opposite Bal Bhawan, Sector 23-A, Chandigarh is registered under the Co-operative Society Act, 1961 (as applicable to U.T.) (*here-in-after in short referred as 'Act 1961'*). The Co-operative Society was registered with the Co-operative Department, U.T. Chandigarh. Section 55(1) of the Act 1961 is reproduced hereunder :—

"55. Disputes which may be referred to arbitration :-

(1) *Notwithstanding anything contained in any law for the time being in force, if any dispute touching the constitution, management or the business of a co-operative society arises-*

- (a) *among members, past members and persons claiming through members, past members and deceased members; or*
- (b) *between a member, past member or person claiming through a member, past member or deceased member and the society, its committee or any officer, agent or employee of the society or liquidator, past or present; or*
- (c) *between the society or its committee and any past committee, any officer, agent or employee, or any past officer, past agent or past employee or the nominee, heirs or legal representatives of any deceased officer, deceased agent, or deceased employee of the society; or*
- (d) *between the society and any other co-operative society, between a society and liquidator of another society or between the liquidator of one society and the liquidator of another society;*

Such dispute shall be referred to the Registrar for decision and no court shall have jurisdiction to entertain any suit or other proceeding in respect of such dispute."

No suit shall be instituted against the Co-operative Society or any of its officer in respect of any act touching the business of the Society until the expiration of three months. Section 79 of the Act, 1961 is reproduced as under :—

"79. Notice necessary in suits:- No suit shall be instituted against a co-operative society or any of its officers in respect of any act touching the business of the society until the expiration of three months next after notice in writing has been delivered to the Registrar or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims, and the plaint, shall contain a statement that such notice has been so delivered or left."

Section 82 of the Act, 1961 as applicable to U.T. Chandigarh, the Civil Court / Revenue Court / Labour Court is barred to decide the present case. Section 82 of the Act, 1961 is reproduced as below:-

"82. Bar of jurisdiction of courts :-

- (1) *Save as provided in this Act, no civil or revenue court shall have any jurisdiction in respect of -*
 - (a) *the registration of a co-operative society or its bye-laws or of an amendment of a bye-law;*

- (b) *the removal of a committee;*
- (c) *any dispute required under section 55 to be referred to the Registrar; and*
- (d) *any matter concerning the winding up and the dissolution of a co-operative society.*
- (2) *While a co-operative society is being wound up, no suit or other legal proceedings relating to the business of such society shall be proceeded with or instituted against, the liquidator as such or against the society or any member thereof, except by leave of the Registrar and subject to such terms as he may impose.*
- (3) *Save as provided in this Act, no order, decision or award made under this Act shall be questioned in any court on any ground whatsoever"*

In view of the above Sections the Civil Court is barred to entertain and decide the case law relating to Co-operative Society. Section 56(9) of Act, 1961 as applicable to Chandigarh is reproduced as below :-

"56(9) Jurisdiction of civil court :- *such a dispute has clearly to be settled by recourse to arbitration under the act and the jurisdiction of the civil courts is, therefore, clearly barred."*

No notice under Section 79 of the Act, 1961 has been issued to the management. On this ground alone the present case may be ordered to be dismissed. There is independent Court of Registrar Co-operative Society, U.T. Chandigarh and the workman should approach the Court of Registrar Co-operative Society, U.T. Chandigarh for his grievance, if any. No original paper has been attached with the evidence of the workman. Similar case titled Bidhi Singh Versus The Chandigarh Co-operative Kitchen Gardening Society Limited, Sector 23-A, Chandigarh was dismissed on 10.05.2019 on the ground that since there is an independent Court of Registrar Co-operative Society, U.T. Chandigarh and his case does not fall before the Industrial Tribunal-cum-Labour Court, U.T. Chandigarh and his case was dismissed by this Hon'ble Court on the territorial issue.

4. Further in parawise reply it is stated that there is no relationship of workmen with the management. The same is evident from the fact that the amount of wages column has been left blank. No appointment letter has been attached with the statement of claim. Further the statement of claim is hopelessly time barred and hence, deserves dismissal. Rest of the averments of claim statement are denied being false and frivolous and prayer is made that the claim filed by the workman being totally false, frivolous, misleading, not based on facts and not maintainable may be dismissed with heavy cost.

5. The workman filed rejoinder wherein the contents of written statement are denied as wrong and incorrect and averments of claim statement are reiterated. It is specifically pleaded that the Labour Court in this case is competent to adjudicate and decide the present dispute in view of the law laid down by Hon'ble Supreme Court in **Civil Appeal No.197 of 2018** between **Smt. K. A. Annamma Versus The Secretary, Cochin Co-operative Hospital Society Limited.**

6. From the pleadings of the parties following issues were framed vide order dated 23.09.2021 :—

1. Whether the services of the workman were terminated illegally by the management, if so, to what effect and to what relief he is entitled to, if any ? OPW
2. Whether this Court has no jurisdiction to entertain and try the present industrial dispute ? OPM
3. Whether there is no relationship of employer & employee between the parties ? OPM
4. Relief.

7. In evidence, workman Rattan Chand examined himself as AW1 and tendered his affidavit Exhibit 'AW1/A'. The workman examined AW2 Dalvir Singh - Senior Social Security Assistant, O/o Employees' Provident Fund Commissioner, Sector 17, Chandigarh, who brought the summoned record pertaining to contribution details of subscriber ledger card as on 10.10.2022 bearing PF No.PB/CHD/00372620000000015 allotted member Rattan Chand S/o Mast Ram from 01.04.2008 to 30.09.2017 and placed on record copies of the same vide Exhibit 'AW2/1'. On 24.01.2023 the workman closed his evidence in affirmative.

8. On the other hand, management examined MW1 Pritpal Singh - Manager, Chandigarh Co-operative Kitchen Gardening Society Limited, who tendered his affidavit Exhibit 'MW1/A'. During his cross-examination MW1 placed on record copy of appointment letter bearing No.SP-I dated 24.09.2020 issued to him as Exhibit 'MW1/1'.

9. The management examined MW2 Amarjit Singh - Treasurer, Chandigarh Co-operative Kitchen Gardening Society Limited, who tendered his affidavit Exhibit 'MW2/A' along with documents Exhibit 'M1' & Exhibit 'M2' and Exhibit 'M2/1' & Exhibit 'M2/2' (original of Exhibits 'M2', 'M2/1' and 'M2/2' are tendered into evidence in IDR No.9/2021).

Exhibit 'M1' is copy of report of complaint tracking system of Chandigarh police accompanied with complaint dated 05.12.2016 lodged by then Chowkidar Pardeep Johan to the Senior Superintendent of Police, Chandigarh.

Exhibit 'M2' is photocopy of memo dated 22.04.2017 issued to workman through registered post.

Exhibit 'M2/1' & Exhibit 'M2/2' is copy of postal receipts dated 25.04.2017.

10. On 20.07.2023 Learned Representative for the management closed the oral evidence. On 03.08.2023 Shri Pritpal Singh - Manager of The Chandigarh Co-operative Kitchen Gardening Society Limited closed the documentary evidence.

11. I have heard the arguments of Learned Representatives for the parties and perused the judicial file. My issue-wise findings are as below :—

Issue No. 2 :

12. Issue No.2 is taken up first as it goes to the root of the case. Onus to prove this issue is on the management.

13. Learned Representative for the management contended that in view of Section 55, 56(9) and 82 of the Act, 1961 the jurisdiction of the present Court is barred. To support his contention Learned Representative for management referred case law reported in 1978 Lab. I.C. 467 titled as Bangalore Water Supply & Sewerage Board Versus A. Rajappa & Others and argued that in view of the law laid down by the Hon'ble Supreme Court in the above referred case, the management of The Chandigarh Co-operative Kitchen Gardening Society Limited does not fall within the definition of an 'industry' as defined in Section 2(j) of the ID Act, therefore, the present Court has no jurisdiction to entertain and decide the present reference. Besides, the mandatory prior notice under Section 79 of the Punjab Co-operative Society Act has not been issued to the management.

14. On the other, Learned Representative for the workman contended that as per the latest law laid down by Hon'ble Supreme Court of India vide judgment dated 12.01.2018 in *Civil Appeal No.197 of 2018 (Arising out of S.L.P.(C) No.29765 of 2016)* titled as *Smt. K. Annamma Versus The Secretary, Cochin Co-operative Hospital Society Limited*, the appropriate Authority under the Act, 1961 and the present Court under the ID Act both possess and enjoy the concurrent jurisdiction to decide any dispute arising between the co-operative society's employee and his / her employer i.e. co-operative society.

15. To my opinion, the previous judgment of Hon'ble Supreme Court reported in *1978 Lab. I.C. 467 (supra)* shall prevail over the judgment in *Civil Appeal No.197 of 2018 (supra)* because the previous view taken by the Hon'ble Supreme Court in *1978 Lab. I.C. 467 (supra)* is of the larger bench. As per the view of the larger bench of Hon'ble Supreme Court in *1978 Lab. I.C. 467 (supra)*, since the management does not fall within the definition of 'industry', therefore, the present Court has no jurisdiction to try and decide the present industrial dispute.

16. Furthermore, the workman failed to controvert the fact that before presenting the present reference compliance of Section 79 of the Punjab Co-operative Society Act has not been made.

17. Accordingly, this issue is decided in favour of the management and against the workman.

Issue No. 1 & 3 :

18. Both these issues are taken up together being interconnected and in order to avoid repetition of discussion. Onus to prove issue No.1 is the workman and onus to prove issue No.3 is on the management.

19. In view of the findings recorded on issue No.2 above, this Court has no jurisdiction and is not competent to adjudicate whether the services of the workman were terminated illegally by the management and if there is no relationship of employer & employee between the management and the workman.

20. In view of judgment of *Hon'ble High Court of Punjab & Haryana passed in CWP No.18958 of 1996 titled as Ashok Khanna Versus M/s TTK Pharma Limited & Others, decided on 01.07.2009*, once this Tribunal / Court has reached to the conclusion that it does not have jurisdiction for the subject matter of the case then it should not decide any question on merits.

21. However, the workman is at liberty to avail the remedy before the appropriate forum under relevant provisions of law.

22. Both these issues stands decided accordingly.

Relief :

23. In the view of foregoing finding on the issue No.2 above, this industrial dispute is declined with liberty to the workman to avail the remedy before the appropriate forum under relevant provisions of law. Appropriate Government be informed. File be consigned to the record room.

(Sd.) . . . ,

Dated : 03.08.2023

(JAGDEEP KAUR VIRK)
PRESIDING OFFICER,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No. PB0152.

CHANDIGARH ADMINISTRATION
LABOUR DEPARTMENT**Notification**

The 25th October 2023

No. 13/2/32-HII(2)-2023/15735.—In exercise of the Powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL) dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. **9/2021 dated 03.08.2023** delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT Chandigarh between :

SOHAN LAL, VILLAGE NADA, NAYA GAON, DISTRICT MOHALI (Workman)

AND

THE CHANDIGARH COOPERATIVE KITCHEN GARDENING SOCIETY LIMITED,
OPP. BAL BHAVAN, SECTOR 23-A, CHANDIGARH THROUGH ITS GENERAL
SECRETARY (Management)**AWARD**

1. Sohan Lal, workman has presented industrial dispute under Section 2-A(2) of the Industrial Disputes Act, 1947 (*here-in-after in short called 'ID Act'*).

2. Briefly stated the averments of claim statement are that on 12.07.1983 workman was appointed as Helper by the management. The workman remained in the continuous and interrupted employment up to 18.09.2017 when his services were illegally and wrong fully terminated by refusing of work. The workman was drawing ₹ 8,000/- per month as wages at the time of termination. On 20.09.2017, as usual, the workman went to attend his normal duties but he was refused work without assigning any reason and notice. Since then the workman has been regularly visiting the management but the work was refused to him on one pretext or the other. The refusal of work which amounts to termination is retrenchment under Section 2(oo) of the ID Act. The management has also violated Section 25-F of the ID Act. No charge sheet was issued. No inquiry was held. The workman was not paid retrenchment compensation at the time of termination. Violation of the same makes the termination void. For his reinstatement workman served upon the management a demand notice dated 11.09.2020. The management neither replied the demand notice nor took the workman back on duty. The Assistant Labour Commissioner-cum-Conciliation Officer, U.T. Chandigarh was requested for his intervention. The management refused to take the workman back on duty before the Conciliation Officer, U.T. Chandigarh. The termination is illegal, wrongful, motivated, against the principles of natural justice and unfair labour practice. Prayer is made that the workman may be reinstated with full back wages along with continuity of service, without any change in service condition and all attendant benefits. The workman remained unemployed during the period i.e. from the date of termination to till date.

3. On notice, the management contested the claim statement by filing written statement on 05.08.2021 wherein preliminary objection are raised on the ground that management denies each and every statement / submission and contention set forth in the statement of claim to the extent that the same are contrary to and / or in consistent with the true and complete facts of the case and / or submission made on behalf of the management in the present written statement. Nothing in the written statement be deemed to have been admitted by the management save and accept what is expressly and specifically admitted and the contents of the written statement unless admitted specifically by the management may be read as travesty of fact. The workman has not approached this Court with clean hands and has suppressed the material facts in his statement of claim. There is no relationship of workman with the management. The workman has not attached any appointment letter in the claim statement. The statement of claim is grossly misconceived and misdirected for which it should be dismissed. The statement of claim is highly time barred and hence, liable to be dismissed.

The Chandigarh Co-operative Kitchen Gardening Society, opposite Bal Bhawan, Sector 23-A, Chandigarh is registered under the Co-operative Society Act, 1961 (as applicable to U.T.) (*here-in-after in short referred as 'Act 1961'*). The Co-operative Society was registered with the Co-operative Department, U.T. Chandigarh. Section 55(1) of the Act 1961 is reproduced hereunder :-

"55. Disputes which may be referred to arbitration :-

- (1) *Notwithstanding anything contained in any law for the time being in force, if any dispute touching the constitution, management or the business of a co-operative society arises-*
- (a) *among members, past members and persons claiming through members, past members and deceased members; or*
 - (b) *between a member, past member or person claiming through a member, past member or deceased member and the society, its committee or any officer, agent or employee of the society or liquidator, past or present; or*
 - (c) *between the society or its committee and any past committee, any officer, agent or employee, or any past officer, past agent or past employee or the nominee, heirs or legal representatives of any deceased officer, deceased agent, or deceased employee of the society; or*
 - (d) *between the society and any other co-operative society, between a society and liquidator of another society or between the liquidator of one society and the liquidator of another society;*

Such dispute shall be referred to the Registrar for decision and no court shall have jurisdiction to entertain any suit or other proceeding in respect of such dispute."

No suit shall be instituted against the Co-operative Society or any of its officer in respect of any act touching the business of the Society until the expiration of three months. Section 79 of the Act, 1961 is reproduced as under :-

"79. Notice necessary in suits:- *No suit shall be instituted against a co-operative society or any of its officers in respect of any act touching the business of the society until the expiration of three months next after notice in writing has been delivered to the Registrar or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims, and the plaint, shall contain a statement that such notice has been so delivered or left."*

Section 82 of the Act, 1961 as applicable to U.T. Chandigarh, the Civil Court / Revenue Court / Labour Court is barred to decide the present case. Section 82 of the Act, 1961 is reproduced as below :-

"82. Bar of jurisdiction of courts :-

- (1) *Save as provided in this Act, no civil or revenue court shall have any jurisdiction in respect of -*
- (a) *the registration of a co-operative society or its bye-laws or of an amendment of a bye-law;*
 - (b) *the removal of a committee;*
 - (c) *any dispute required under section 55 to be referred to the Registrar; and*
 - (d) *any matter concerning the winding up and the dissolution of a co-operative society.*

- (2) *While a co-operative society is being wound up, no suit or other legal proceedings relating to the business of such society shall be proceeded with or instituted against, the liquidator as such or against the society or any member thereof, except by leave of the Registrar and subject to such terms as he may impose.*
- (3) *Save as provided in this Act, no order, decision or award made under this Act shall be questioned in any court on any ground whatsoever"*

In view of the above Sections the Civil Court is barred to entertain and decide the case law relating to Co-operative Society. Section 56(9) of Act, 1961 as applicable to Chandigarh is reproduced as below :-

"56(9) Jurisdiction of civil court:- *such a dispute has clearly to be settled by recourse to arbitration under the act and the jurisdiction of the civil courts is, therefore, clearly barred."*

No notice under Section 79 of the Act, 1961 has been issued to the management. On this ground alone the present case may be ordered to be dismissed. There is independent Court of Registrar Co-operative Society, U.T. Chandigarh and the workman should approach the Court of Registrar Co-operative Society, U.T. Chandigarh for his grievance, if any. No original paper has been attached with the evidence of the workman. Similar case titled Bidhi Singh Versus The Chandigarh Co-operative Kitchen Gardening Society Limited, Sector 23-A, Chandigarh was dismissed on 10.05.2019 on the ground that since there is an independent Court of Registrar Co-operative Society, U.T. Chandigarh and his case does not fall before the Industrial Tribunal-cum-Labour Court, U.T. Chandigarh and his case was dismissed by this Hon'ble Court on the territorial issue.

4. Further in parawise reply it is stated that there is no relationship of workmen with the management. The same is evident from the fact that the amount of wages column has been left blank. No appointment letter has been attached with the statement of claim. Further the statement of claim is hopelessly time barred and hence, deserves dismissal. Rest of the averments of claim statement are denied being false and frivolous and prayer is made that the claim filed by the workman being totally false, frivolous, misleading, not trial on facts and not maintainable may be dismissed with heavy cost.

5. The workman filed rejoinder wherein the contents of written statement are denied as wrong and incorrect and averments of claim statement are reiterated. It is specifically pleaded that the Labour Court in this case is competent to adjudicate and decide the present dispute in view of the law laid down by Hon'ble Supreme Court in *Civil Appeal No.197 of 2018* between *Smt. K. A. Annamma Versus The Secretary, Cochin Co-operative Hospital Society Limited*.

6. From the pleadings of the parties following issues were framed vide order dated 23.09.2021 :-

1. Whether the services of the workman were terminated illegally by the management, if so, to what effect and to what relief he is entitled to, if any ? OPW
2. Whether this Court has no jurisdiction to entertain and try the present industrial dispute ? OPM
3. Whether there is no relationship of employer & employee between the parties ? OPM
4. Relief.

7. In evidence, workman Sohan Lal examined himself as AW1 and tendered his affidavit Exhibit 'AW1/A'. The workman examined AW2 Dalvir Singh - Senior Social Security Assistant, O/o Employees' Provident Fund Commissioner, Sector 17, Chandigarh, who brought the summoned record pertaining to contribution details of subscriber ledger card as on 10.10.2022 bearing PF No.PB/CHD/00372620000000014 allotted member Sonu Ram S/o Lakh Ram from 01.04.2008 to 30.09.2017 and placed on record copies of the same vide Exhibit 'AW2/1'. On 24.01.2023 the workman closed his evidence in affirmative.

8. On the other hand, management examined MW1 Pritpal Singh - Manager, Chandigarh Co-operative Kitchen Gardening Society Limited, who tendered his affidavit Exhibit 'MW1/A'. During his cross-examination MW1 placed on record copy of appointment letter bearing No.SP-I dated 24.09.2020 issued to him as Exhibit 'MW1/1'.

9. The management examined MW2 Amarjit Singh - Treasurer, Chandigarh Co-operative Kitchen Gardening Society Limited, who tendered his affidavit Exhibit 'MW2/A' along with documents Exhibit 'M1' & Exhibit 'M2' and Exhibit 'M2/1' & Exhibit 'M2/2'.

Exhibit 'M1' is copy of report of complaint tracking system of Chandigarh police accompanied with complaint dated 05.12.2016 lodged by then Chowkidar Pardeep Johan to the Senior Superintendent of Police, Chandigarh.

Exhibit 'M2' is photocopy of memo dated 22.04.2017 issued to workman through registered post.

Exhibit 'M2/1' & Exhibit 'M2/2' is copy of postal receipts dated 25.04.2017.

During cross-examination of MW2 Amarjit Singh the workman put document Exhibit 'W1' i.e. copy of posting order of workers dated 11.09.2012 issued by the Administrator, The Chandigarh Kitchen Gardening Society Ltd., Sector 23, Chandigarh.

10. On 20.07.2023 Learned Representative for the management closed the oral evidence. On 03.08.2023 Shri Pritpal Singh - Manager of The Chandigarh Co-operative Kitchen Gardening Society Limited closed the documentary evidence.

11. I have heard the arguments of Learned Representatives for the parties and perused the judicial file. My issue-wise findings are as below :-

Issue No. 2 :

12. Issue No.2 is taken up first as it goes to the root of the case. Onus to prove this issue is on the management.

13. Learned Representative for the management contended that in view of Section 55, 56(9) and 82 of the Act, 1961 the jurisdiction of the present Court is barred. To support his contention Learned Representative for management referred case law reported in **1978 Lab. I.C. 467** titled as **Bangalore Water Supply & Sewerage Board Versus A. Rajappa & Others** and argued that in view of the law laid down by the Hon'ble Supreme Court in the above referred case, the management of The Chandigarh Co-operative Kitchen Gardening Society Limited does not fall within the definition of an 'industry' as defined in Section 2(j) of the ID Act, therefore, the present Court has no jurisdiction to entertain and decide the present reference. Besides, the mandatory prior notice under Section 79 of the Punjab Co-operative Society Act has not been issued to the management.

14. On the other, Learned Representative for the workman contended that as per the latest law laid down by Hon'ble Supreme Court of India vide judgment dated 12.01.2018 in **Civil Appeal No.197 of 2018 (Arising out of S.L.P.(C) No.29765 of 2016)** titled as **Smt. K. Annamma Versus The Secretary, Cochin Co-operative Hospital Society Limited**, the appropriate Authority under the Act, 1961 and the present Court under the ID Act both possess and enjoy the concurrent jurisdiction to decide any dispute arising between the co-operative society's employee and his / her employer i.e. co-operative society.

15. To my opinion, the previous judgment of Hon'ble Supreme Court reported in **1978 Lab. I.C. 467 (supra)** shall prevail over the judgment in **Civil Appeal No.197 of 2018 (supra)** because the previous view taken by the Hon'ble Supreme Court in **1978 Lab. I.C. 467 (supra)** is of the larger bench. As per the view of the larger bench of Hon'ble Supreme Court in **1978 Lab. I.C. 467 (supra)**, since the management does not fall within the definition of 'industry', therefore, the present Court has no jurisdiction to try and decide the present industrial dispute.

16. Furthermore, the workman failed to controvert the fact that before presenting the present reference compliance of Section 79 of the Punjab Co-operative Society Act has not been made.

17. Accordingly, this issue is decided in favour of the management and against the workman.

Issue No. 1 & 3 :

18. Both these issues are taken up together being interconnected and in order to avoid repetition of discussion. Onus to prove issue No.1 is the workman and onus to prove issue No.3 is on the management.

19. In view of the findings recorded on issue No.2 above, this Court has no jurisdiction and is not competent to adjudicate whether the services of the workman were terminated illegally by the management and if there is no relationship of employer & employee between the management and the workman.

20. In view of judgment of **Hon'ble High Court of Punjab & Haryana passed in CWP No.18958 of 1996 titled as Ashok Khanna Versus M/s TTK Pharma Limited & Others, decided on 01.07.2009**, once this Tribunal / Court has reached to the conclusion that it does not have jurisdiction for the subject matter of the case then it should not decide any question on merits.

21. However, the workman is at liberty to avail the remedy before the appropriate forum under relevant provisions of law.

22. Both these issues stands decided accordingly.

Relief :

23. In the view of foregoing finding on the issue No.2 above, this industrial dispute is declined with liberty to the workman to avail the remedy before the appropriate forum under relevant provisions of law. Appropriate Government be informed. File be consigned to the record room.

(Sd.) . . . ,

Dated : 03.08.2023.

(JAGDEEP KAUR VIRK)
PRESIDING OFFICER,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No. PB0152.

CHANDIGARH ADMINISTRATION
LABOUR DEPARTMENT

Notification

The 25th October 2023

No. 13/2/31-HII(2)-2023/15737.—In exercise of the Powers conferred by sub-section (i) of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. 14 of 1947) read with Government of India, Ministry of Labour & Employment's Notification No. S-11025/21/2003-IR(PL) dated 28.7.2004, the undersigned hereby publish the following award bearing reference No. **11/2021 dated 03.08.2023** delivered by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT Chandigarh between :

PAWAN KUMAR, H.NO.133, VILLAGE NADA, NAYAGAON, DISTRICT MOHALI (Workman)

AND

THE CHANDIGARH COOPERATIVE KITCHEN GARDENING SOCIETY LIMITED,
OPP. BAL BHAVAN, SECTOR 23-A, CHANDIGARH THROUGH ITS GENERAL SECRETARY
(Management)

AWARD

1. Pavan Kumar, workman has presented industrial dispute under Section 2-A(2) of the Industrial Disputes Act, 1947 (*here-in-after in short called 'ID Act'*).

2. Briefly stated the averments of claim statement are that on 01.11.1995 workman was appointed as Helper by the management. The workman remained in the continuous and interrupted employment up to 01.11.2017 when his services were illegally and wrong fully terminated by refusing of work. The workman was drawing ₹ 8,000/- per month as wages at the time of termination. On 02.11.2017, as usual, the workman went to attend his normal duties but he was refused work without assigning any reason and notice. Since then the workman has been regularly visiting the management but the work was refused to him on one pretext or the other. The refusal of work which amounts to termination is retrenchment under Section 2(oo) of the ID Act. The management has also violated Section 25-F of the ID Act. No charge sheet was issued. No inquiry was held. The workman was not paid retrenchment compensation at the time of termination. Violation of the same makes the termination void. For his reinstatement workman served upon the management a demand notice dated 11.09.2020. The management neither replied the demand notice nor took the workman back on duty. The Assistant Labour Commissioner-cum-Conciliation Officer, U.T. Chandigarh was requested for his intervention. The management refused to take the workman back on duty before the Conciliation Officer, U.T. Chandigarh. The termination is illegal, wrongful, motivated, against the principles of natural justice and unfair labour practice. Prayer is made that the workman may be reinstated with full back wages along with continuity of service, without any change in service condition and all attendant benefits. The workman remained unemployed during the period i.e. from the date of termination to till date.

3. On notice, the management contested the claim statement by filing written statement on 05.08.2021 wherein preliminary objection are raised on the ground that management denies each and every statement / submission and contention set forth in the statement of claim to the extent that the same are contrary to and / or in consistent with the true and complete facts of the case and / or submission made on behalf of the management in the present written statement. Nothing in the written statement be deemed to have been admitted by the management save and accept what is expressly and specifically admitted and the contents of the written statement unless admitted specifically by the management may be read as travesty of fact. The workman has not approached this Court with clean hands and has suppressed the material facts in his statement of claim. There is no relationship of workman with the management. The workman has not attached any appointment letter in the claim statement. The statement of claim is grossly misconceived and misdirected for which it should be dismissed. The statement of claim is highly time barred and hence, liable to be dismissed.

The Chandigarh Co-operative Kitchen Gardening Society, opposite Bal Bhawan, Sector 23-A, Chandigarh is registered under the Co-operative Society Act, 1961 (as applicable to U.T.) (*here-in-after in short referred as 'Act 1961'*). The Co-operative Society was registered with the Co-operative Department, U.T. Chandigarh. Section 55(1) of the Act 1961 is reproduced hereunder :-

"55. Disputes which may be referred to arbitration :-

- (1) *Notwithstanding anything contained in any law for the time being in force, if any dispute touching the constitution, management or the business of a co-operative society arises-(a) among members, past members and persons claiming through members, past members and deceased members; or*
- (b) *between a member, past member or person claiming through a member, past member or deceased member and the society, its committee or any officer, agent or employee of the society or liquidator, past or present; or*
- (c) *between the society or its committee and any past committee, any officer, agent or employee, or any past officer, past agent or past employee or the nominee, heirs or legal representatives of any deceased officer, deceased agent, or deceased employee of the society; or*
- (d) *between the society and any other co-operative society, between a society and liquidator of another society or between the liquidator of one society and the liquidator of another society;*

Such dispute shall be referred to the Registrar for decision and no court shall have jurisdiction to entertain any suit or other proceeding in respect of such dispute."

No suit shall be instituted against the Co-operative Society or any of its officer in respect of any act touching the business of the Society until the expiration of three months. Section 79 of the Act, 1961 is reproduced as under :-

"79. Notice necessary in suits:- *No suit shall be instituted against a co-operative society or any of its officers in respect of any act touching the business of the society until the expiration of three months next after notice in writing has been delivered to the Registrar or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims, and the plaint, shall contain a statement that such notice has been so delivered or left."*

Section 82 of the Act, 1961 as applicable to U.T. Chandigarh, the Civil Court / Revenue Court / Labour Court is barred to decide the present case. Section 82 of the Act, 1961 is reproduced as below:-

"82. Bar of jurisdiction of courts :-

- (1) *Save as provided in this Act, no civil or revenue court shall have any jurisdiction in respect of -*
- (a) *the registration of a co-operative society or its bye-laws or of an amendment of a bye-law;*
- (b) *the removal of a committee;*
- (c) *any dispute required under section 55 to be referred to the Registrar; and*
- (d) *any matter concerning the winding up and the dissolution of a co-operative society.*

- (2) *While a co-operative society is being wound up, no suit or other legal proceedings relating to the business of such society shall be proceeded with or instituted against, the liquidator as such or against the society or any member thereof, except by leave of the Registrar and subject to such terms as he may impose.*
- (3) *Save as provided in this Act, no order, decision or award made under this Act shall be questioned in any court on any ground whatsoever"*

In view of the above Sections the Civil Court is barred to entertain and decide the case law relating to Co-operative Society. Section 56(9) of Act, 1961 as applicable to Chandigarh is reproduced as below :-

"56(9) Jurisdiction of civil court:- such a dispute has clearly to be settled by recourse to arbitration under the act and the jurisdiction of the civil courts is, therefore, clearly barred."

No notice under Section 79 of the Act, 1961 has been issued to the management. On this ground alone the present case may be ordered to be dismissed. There is independent Court of Registrar Co-operative Society, U.T. Chandigarh and the workman should approach the Court of Registrar Co-operative Society, U.T. Chandigarh for his grievance, if any. No original paper has been attached with the evidence of the workman. Similar case titled Bidhi Singh Versus The Chandigarh Co-operative Kitchen Gardening Society Limited, Sector 23-A, Chandigarh was dismissed on 10.05.2019 on the ground that since there is an independent Court of Registrar Co-operative Society, U.T. Chandigarh and his case does not fall before the Industrial Tribunal-cum-Labour Court, U.T. Chandigarh and his case was dismissed by this Hon'ble Court on the territorial issue.

4. Further in parawise reply it is stated that there is no relationship of workmen with the management. The same is evident from the fact that the amount of wages column has been left blank. No appointment letter has been attached with the statement of claim. Further the statement of claim is hopelessly time barred and hence, deserves dismissal. Rest of the averments of claim statement are denied being false and frivolous and prayer is made that the claim filed by the workman being totally false, frivolous, misleading, not based on facts and not maintainable may be dismissed with heavy cost.

5. The workman filed rejoinder wherein the contents of written statement are denied as wrong and incorrect and averments of claim statement are reiterated. It is specifically pleaded that the Labour Court in this case is competent to adjudicate and decide the present dispute in view of the law laid down by Hon'ble Supreme Court in ***Civil Appeal No.197 of 2018*** between ***Smt. K. A. Annamma Versus The Secretary, Cochin Co-operative Hospital Society Limited.***

6. From the pleadings of the parties following issues were framed vide order dated 23.09.2021 :-

1. Whether the services of the workman were terminated illegally by the management, if so, to what effect and to what relief he is entitled to, if any ? OPW
2. Whether this Court has no jurisdiction to entertain and try the present industrial dispute ? OPM
3. Whether there is no relationship of employer & employee between the parties ? OPM
4. Relief.

7. In evidence, workman Pavan Kumar examined himself as AW1 and tendered his affidavit Exhibit 'AW1/A'. The workman examined AW2 Dalvir Singh - Senior Social Security Assistant, O/o Employees' Provident Fund Commissioner, Sector 17, Chandigarh, who brought the summoned record pertaining to contribution details of subscriber ledger card as on 10.10.2022 bearing PF No.PB/CHD/00372620000000019 allotted member Pawan Kumar S/o Roop Chand from 01.04.2008 to 30.09.2017 and placed on record copies of the same vide Exhibit 'AW2/1'. On 24.01.2023 the workman closed his evidence in affirmative.

8. On the other hand, management examined MW1 Pritpal Singh - Manager, Chandigarh Co-operative Kitchen Gardening Society Limited, who tendered his affidavit Exhibit 'MW1/A'. During his cross-examination MW1 placed on record copy of appointment letter bearing No.SP-I dated 24.09.2020 issued to him as Exhibit 'MW1/I'.

9. The management examined MW2 Amarjit Singh - Treasurer, Chandigarh Co-operative Kitchen Gardening Society Limited, who tendered his affidavit Exhibit 'MW2/A'. During cross-examination of MW2 Amarjit Singh the workman put document Exhibit 'W1' i.e. copy of posting order of workers dated 11.09.2012 issued by the Administrator, The Chandigarh Kitchen Gardening Society Ltd., Sector 23, Chandigarh.

10. On 20.07.2023 Learned Representative for the management closed the oral evidence. On 03.08.2023 Shri Pritpal Singh - Manager of The Chandigarh Co-operative Kitchen Gardening Society Limited closed the documentary evidence.

11. I have heard the arguments of Learned Representatives for the parties and perused the judicial file. My issue-wise findings are as below :-

Issue No. 2 :

12. Issue No.2 is taken up first as it goes to the root of the case. Onus to prove this issue is on the management.

13. Learned Representative for the management contended that in view of Section 55, 56(9) and 82 of the Act, 1961 the jurisdiction of the present Court is barred. To support his contention Learned Representative for management referred case law reported in **1978 Lab. I.C. 467** titled as **Bangalore Water Supply & Sewerage Board Versus A. Rajappa & Others** and argued that in view of the law laid down by the Hon'ble Supreme Court in the above referred case, the management of The Chandigarh Co-operative Kitchen Gardening Society Limited does not fall within the definition of an 'industry' as defined in Section 2(j) of the ID Act, therefore, the present Court has no jurisdiction to entertain and decide the present reference. Besides, the mandatory prior notice under Section 79 of the Punjab Co-operative Society Act has not been issued to the management.

14. On the other, Learned Representative for the workman contended that as per the latest law laid down by Hon'ble Supreme Court of India vide judgment dated 12.01.2018 in **Civil Appeal No.197 of 2018 (Arising out of S.L.P.(C) No.29765 of 2016)** titled as **Smt. K. Annamma Versus The Secretary, Cochin Co-operative Hospital Society Limited**, the appropriate Authority under the Act, 1961 and the present Court under the ID Act both possess and enjoy the concurrent jurisdiction to decide any dispute arising between the co-operative society's employee and his / her employer i.e. co-operative society.

15. To my opinion, the previous judgment of Hon'ble Supreme Court reported in **1978 Lab. I.C. 467 (supra)** shall prevail over the judgment in **Civil Appeal No.197 of 2018 (supra)** because the previous view taken by the Hon'ble Supreme Court in **1978 Lab. I.C. 467 (supra)** is of the larger bench. As per the view of the larger bench of Hon'ble Supreme Court in **1978 Lab. I.C. 467 (supra)**, since the management does not fall within the definition of 'industry', therefore, the present Court has no jurisdiction to try and decide the present industrial dispute.

16. Furthermore, the workman failed to controvert the fact that before presenting the present reference compliance of Section 79 of the Punjab Co-operative Society Act has not been made.

17. Accordingly, this issue is decided in favour of the management and against the workman.

Issue No. 1 & 3 :

18. Both these issues are taken up together being interconnected and in order to avoid repetition of discussion. Onus to prove issue No.1 is the workman and onus to prove issue No.3 is on the management.

19. In view of the findings recorded on issue No.2 above, this Court has no jurisdiction and is not competent to adjudicate whether the services of the workman were terminated illegally by the management and if there is no relationship of employer & employee between the management and the workman.

20. In view of judgment of *Hon'ble High Court of Punjab & Haryana passed in CWP No.18958 of 1996 titled as Ashok Khanna Versus M/s TTK Pharma Limited & Others, decided on 01.07.2009*, once this Tribunal / Court has reached to the conclusion that it does not have jurisdiction for the subject matter of the case then it should not decide any question on merits.

21. However, the workman is at liberty to avail the remedy before the appropriate forum under relevant provisions of law.

22. Both these issues stands decided accordingly.

Relief :

23. In the view of foregoing finding on the issue No.2 above, this industrial dispute is declined with liberty to the workman to avail the remedy before the appropriate forum under relevant provisions of law. Appropriate Government be informed. File be consigned to the record room.

(Sd.) . . . ,

Dated : 03.08.2023

(JAGDEEP KAUR VIRK)
PRESIDING OFFICER,
Industrial Tribunal & Labour Court,
Union Territory, Chandigarh.
UID No. PB0152.

Secretary Labour,
Chandigarh Administration.

CHANGE OF NAME

I, Suman Kamal, W/o Mr. Sandeep Kumar Yadav, R/o House No. 891, Vikas Nagar, Mauli Jagran, Chandigarh, (UT)-160102, do have changed my name from Suman Kamal to KM suman.

[1505-1]

I, Jasvir, S/o Jai Pal, House No. 645, Sector 38-A, Chandigarh, have changed my name from Jasvir to Jasvir Jaipal Bhojgi.

[1506-1]

I, Dharminder Kumar, S/o Ram Avtar Tiwari, # 3536, Sector 25-D, Chandigarh, have changed my name from Dharminder Kumar to Dharminder Kumar Tiwari.

[1507-1]

I, Shallu Rani, W/o Niraj Gupta, R/o # 2848/3, Sector 49-D, Chandigarh, have changed my name to Shallu Gupta.

[1508-1]

I, Zanib, W/o Mohd. Rizwan, R/o 32-B, Small Flats Dhanas, Chandigarh, have changed my name from Zanib to Jainab.

[1509-1]

I, MD. Razwan, S/o Late. Mohd. Farook, R/o 32-B, Small Flats Dhanas, Chandigarh, have changed my name from MD. Razwan to Mohd. Rizwan.

[1510-1]

I, Jaspreet Kaur, W/o Parveen Kumar Garg, R/o House No. 1719, Sector 39-B, Chandigarh-160036, have changed my name Jaspreet Kaur to Jaspreet Garg. Concern note please.

[1511-1]

I, Jasvir Ali, S/o Mustak Ali, House No. 1144, Village Burail, Sector 45, Chandigarh, have changed my name from Jasvir Ali to Jasbir Ali.

[1512-1]

I, Ravinder Kumar Bansal, S/o Ram Kumar, House No. 1787, Dadumajra, Sector 38 West, Chandigarh, inform that Ravinder Bansal and Ravinder Kumar Bansal is the name of one and same person. My correct name is Ravinder Kumar Bansal.

[1513-1]

मैं, शम्भू शरन कुमार, पुत्र श्री सुकदेव शाह गुप्ता, निवासी मकान नं 2701, विकास नगर, मौली जागरां, चंडीगढ़, ने अपना नाम शम्भू शरन कुमार से बदलकर शम्भू शरन गुप्ता रख लिया है।

[1514-1]

I, Preeti, D/o Ved Prakash, R/o H. No. 1269, Burail, Sector 45-C, Chandigarh, have changed my name from Preeti to Preeti Prakash.

[1515-1]

I, Gunjan, W/o Rahul Sharma, R/o H. No. 2177/1, Sector 45-C, Chandigarh, have changed my name from Gunjan to Gunjan Sharma.

[1516-1]

I, Satuti Sood, W/o Bali Raj, R/o # 3088, Ajanta Enclave, Sector 51-D, Chandigarh Pin 160047, have changed my minor daughter's name from Kaavya to Kaavya Kandoria.

[1517-1]

I, Vandana @ Bindu, D/o late Jagan Nath, # 1231, Phase-2, Ramdarbar, Chandigarh, now resident # 6562, Sector-56, Chandigarh, declare that Vandana @ Bindu is one and same.

[1518-1]

I, Rajiv Behl, S/o Sh. Rajinder Kumar Behl, R/o H. No. 1022, Sector 15-B, Chandigarh, have changed my name from Rajiv Behl to Rajiv Mohan Behl.

[1519-1]

I, Sudhir S Menon, S/o A V Sankaranarayanan, R/o H. No. 3273/2, Sector 44-D, Chandigarh, have changed my name from Sudhir S Menon to Sudhir Sankaranarayanan.

[1520-1]

I, Monika Sudhir Menon, W/o Sudhir Sankaranarayanan, R/o H. No. 3273/2, Sector 44-D, Chandigarh, have changed my name from Monika Sudhir Menon to Monika Sharma.

[1521-1]

I, Meena, W/o Kewal Krishan, # 649, Mohalla Dehra Sahib, Sector 13, Chandigarh, have changed my name to Meena Kumari.

[1522-1]

I, Parveen Kumar Sharma, S/o Dharam Paul Sharma, # 141, Sector 44-A, Chandigarh, have changed my name to Parveen Kumar.

[1523-1]

"No legal responsibility is accepted for the contents of publication of advertisements/public notices in this part of the Chandigarh Administration Gazette. Persons notifying the advertisements/public notices will remain solely responsible for the legal consequences and also for any other misrepresentation etc."